

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 05 00491 VRW
)	
Plaintiff,)	
)	
v.)	<u>STIPULATION AND ORDER</u>
)	
SEMYON NEYS,)	
YEVGENY FRIDMAN,)	
JENA DAVIS,)	
URIEL SOTOMAYOR,)	
JASON TANG,)	
ANTHONY NGUYEN,)	
ILYA TUCHINSKY,)	
CHRISTOPHER LEE CALDER,)	
PAUL ANCAJIMA,)	
AARON DELAROSA,)	
CHARLES MOORE,)	
JESUS POMPERADA BASCO,)	
and WHITNEY OSTERHOUT,)	
)	
Defendants.)	

Plaintiff, the United States of America, through its counsel the United States Attorney for the Northern District of California by and through Assistant United States Attorney Laurel Beeler and each of the defendants above named, through their respective counsel, hereby request that the next calling of the case now set for January 31, 2006 at 10:30 a.m. be vacated and reset for March 14, 2006 at 10:30 a.m. for purposes of further status. This request is made because discovery necessary to further preparation and evaluation of the case by counsel has not yet been

received. This discovery concerns transcripts of conversations intercepted by Court approved wiretap applications. The government has previously estimated approximately 30,000 conversations were intercepted and 8,000 of those are deemed pertinent. In turn, approximately one third of those conversations are in the Russian language. To determine the necessary motions and/or evaluate the evidence concerning each defendant, transcripts of these conversations must be received. The translation and transcription of the calls has been finished, and the United States has just provided the CD with the transcripts to the discovery coordinator. To complete this disclosure and to provide for some review of the transcripts, the parties jointly request that the status conference now set for January 31, 2006 be reset for March 14, 2006.

The parties further stipulate that the time between January 31, 2006 and March 14, 2006 shall be excluded pursuant to 18 U.S.C. section 3161(b) and 18 U.S.C. § 3161(h)(8)(B)(iv) and agree that failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence..

The parties also agree, that the ends of justice are served by excluding the period from January 31, 2006 through March 14, 2006 and these interests outweigh the interest of the public and the defendant in a Speedy Trial within the meaning of 18U.S.C. section 3161(h)(A).

STIPULATED:

/s
LAUREL BEELER
Assistant United States Attorney

/s
SCOTT SUGARMAN
Attorney for Semyon Neys

/s
GARRICK LEW
Attorney for Jena Davis

/s
SHARI L. GREENBERGER
Attorney for Jason Tang

/s
ISMAIL RAMSEY
Attorney for Ilya Tuchinsky

/s
STEVEN GRUEL
Attorney for Yevgeny Fridman

/s
FRANK MCCABE
Attorney for Uriel Sotomayor

/s
J. DAVID NICK
Attorney for Anthony Nguyen

/s
HARRIS TABACK
Attorney for Christopher Calder

(2) orders that the period from January 31, 2006 and March 14, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B) (i) & (iv).

IT IS SO ORDERED.

DATED: January 30, 2006 __

